



# **SODA MOUNTAIN SOLAR PROJECT**

## **Environmental and Construction Compliance Monitoring Program**

Soda Mountain Solar, LLC

Lead Agency:

*United States Department of the Interior  
Bureau of Land Management*

Case File Number: CACA-049584

*United States Department of the Interior, Bureau of Land Management  
Barstow Field Office  
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## Table of Contents

Cover .....	i
Table of Contents.....	ii
List of Abbreviations and Acronyms .....	iv
<b>1.0 Introduction.....</b>	<b>1-1</b>
1.1 Purpose of This Report.....	1-1
<b>2.0 Objectives of the Environmental and Construction Compliance Monitoring Program .....</b>	<b>2-1</b>
<b>3.0 Environmental Compliance Monitoring and Management.....</b>	<b>3-1</b>
3.1 Construction Plan .....	4-1
3.2 Compliance Monitoring and Management Personnel.....	Error! Bookmark not defined.
3.2.1 Grant Holder Contacts .....	4-4
3.2.2 Compliance Manager.....	Error! Bookmark not defined.
3.2.3 Compliance Monitors .....	Error! Bookmark not defined.
<b>4.0 Reporting and Documentation .....</b>	<b>5-1</b>
4.1 Weekly Status Updates .....	5-1
4.1.1 Communication.....	5-2
4.1.2 Acceptable.....	5-2
4.1.3 Problem Area.....	5-2
4.1.4 Noncompliance .....	5-3
4.1.5 Serious Violation.....	5-4
4.2 Monthly Summary Reports .....	5-4
4.3 Non-Public Project Website.....	5-6
<b>5.0 Variances .....</b>	<b>6-1</b>
5.1 Level 1 Variances (Field Decisions).....	6-1
5.2 Level 2 Variances.....	6-2
5.3 Level 3 Variances.....	6-3
<b>6.0 Stop Work Authority.....</b>	<b>7-1</b>
<b>7.0 Training and Preconstruction Meeting .....</b>	<b>8-1</b>
<b>8.0 Equipment.....</b>	<b>9-1</b>

## Figures

Figure 1: Electronic Web-based Reporting System .....	5-5
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## **Attachments**

- A: Monitoring Report Cover Page Form
- B: Monitoring Report Form
- C: Monthly Summary Report Form
- D: Certification of Completion of Worker Environmental Awareness Program
- E: Variance Request Form

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## **List of Acronyms and Abbreviations**

AO	Authorized Officer
BLM	United States Bureau of Land Management
CBC	California Building Code
CD	Compliance Director
CDFW	California Department of Fish and Wildlife
CM	Compliance Manager
ECCMP	Environmental and Construction Compliance Monitoring Program
ECM	Environmental Compliance Monitor
EI	Environmental Inspector
PA/FEIS/EIR	Plan Amendment/Final Environmental Impact Statement/Environmental Impact Report
FLPMA	Federal Land Policy and Management Act
MW	Megawatt
NTP	Notice to Proceed
PM	Project Manager
POD	Plan of Development
ROD	Record of Decision
ROW	right-of-way
SWPPP	Storm Water Pollution Prevention Plan
USFWS	United States Fish and Wildlife Service

# 1.0 Introduction

## 1.1 Background

The Bureau of Land Management (BLM) issued a right-of-way (ROW) grant authorizing the construction, operation, maintenance, and decommissioning of the Soda Mountain Solar Project (Project). Soda Mountain Solar, LLC (Grant Holder) is a wholly-owned subsidiary of Bechtel Development Company, Inc. The ROW will be issued for a term of 30 years with a right of renewal in accordance with 43 Code of Federal Regulations (CFR) 2807.22. The ROW grant will allow the Grant Holder the right to use, occupy, and develop public lands to construct, operate, maintain, and decommission an approximately 1,767-acre, 287-megawatt (MW) alternating current solar photovoltaic energy generation facility in San Bernardino County (County). The Project site is located approximately 6 miles southwest of Baker, California, along Interstate 15 (I-15). Under the BLM's Selected Alternative, which is defined in Section 2.4 of the Record of Decision (ROD), the Project would be located entirely on public lands managed by the BLM Barstow Field Office.

The BLM will have the primary oversight and regulatory authority over the Project's construction lifecycle in accordance with the National Environmental Policy Act (NEPA). Under Memorandum of Understanding Agreement No. 03-1211 between the BLM and the County, facilities requiring groundwater wells fall under the County's jurisdiction and would, therefore, be required to comply with County Ordinance No. 3872 regarding permitting and monitoring of groundwater extraction wells, including applicable local conditions of approval and mitigation measures stipulated in the well permit and Proposed Plan Amendment/Final Environmental Impact Statement/Final Environmental Impact Report (Proposed PA/FEIS/EIR), respectively.

The Council on Environmental Quality has established regulations for implementing NEPA (40 CFR 1500-1508). NEPA requires mitigation monitoring in 40 CFR 1505.2(c), with additional specificity provided in the BLM NEPA Handbook (H-1790-1), Chapter 10 (Monitoring). The BLM also served as the lead federal agency for Section 7 consultation under the federal Endangered Species Act (FESA), and Section 106 consultation under the National Historic Preservation Act (NHPA) for the Project.

## 1.2 Purpose

The BLM requires holders of right-of-way (ROW) grants to prepare and fund an environmental compliance monitoring program to ensure compliance with the BLM terms, conditions, and stipulations in the ROW grants, the Plan of Development (POD), and other project-specific mitigation, terms, and conditions (listed in detail in Chapter 2.0, Objectives of the Environmental and Construction Compliance Monitoring Program). This report presents the objectives of the BLM Environmental and Construction Compliance Monitoring Program (ECCMP) for the Project. The purpose of the ECCMP is to provide an on-the-ground approach to compliance during Project construction which is designed to facilitate

successful implementation. This report also discusses the monitoring reporting and documentation requirements, stop work authority, and the variance process.

## 1.3 Authority of the ECCMP

In addition to the BLM's administration of approved activities on public land, other local, State, and federal agencies may have jurisdiction over resources or activities within the Project limits and may issue permits containing conditions for these activities. Jurisdictional agencies' designated representatives may visit construction areas at any reasonable and safe time, and may require information regarding the status of compliance with permit conditions issued by their respective agencies. While these data requests will be satisfied by the Grant Holder and coordinated with the BLM Compliance Monitoring Team, the CM team will be responsible for tracking implementation of and adherence to these conditions during the preconstruction and construction process in support of the BLM. It is expected that the Grant Holder will ensure this documentation is provided to the BLM AO and PM in a timely fashion.

### 1.3.1 Federal

The following federal documents may contain environmental mitigation requirements, stipulations, terms, conditions, and other measures requiring deliverables from the Grant Holder prior to, during, and post construction:

- 2016 ROD for the Project (lead agency, BLM), containing:
  - Adopted Applicant-proposed measures (APMs) and mitigation measures (Appendix 4 of the ROD)
  - A Biological Opinion issued by the United States Fish and Wildlife Service (USFWS) developed in accordance with the FESA (16 United States Code 1531-1544)
  - An Incidental Take Statement issued by the USFWS pursuant to Section 7(a)(2) of the FESA
- ROW Grant (lead agency, BLM), containing:
  - Terms, conditions, and stipulations
  - Notices to Proceed, which may contain additional conditions
  - Construction procedures in the approved POD for the project

### 1.3.2 State

The following State permits and documents may contain environmental mitigation requirements, stipulations, terms, conditions, and other measures requiring deliverables from the Grant Holder prior to, during, and post construction:

- Section 1602 Lake or Streambed Alteration Agreement process under the California Fish and Game Code (lead agency, California Department of Fish and Wildlife [CDFW])
- Porter-Cologne Water Quality Control Act Waste Discharge Requirements and BMP Plan (Lahontan Regional Water Quality Control Board)
- California Department of Transportation (Caltrans) encroachment permit

### 1.3.3 **Local**

The following local permits may contain environmental mitigation requirements, stipulations, terms, conditions, and other measures requiring deliverables from the Grant Holder prior to, during, and after construction:

- County of San Bernardino Groundwater well permits (production and monitoring)
- Mojave Desert Air Quality Management District Rule 403.2 Dust Control Plan

## 2.0 Objectives of the Environmental and Construction Compliance Monitoring Program

The overall objective of the ECCMP is to clarify agency requirements and expectations of the BLM Compliance Monitoring Team during the preconstruction, construction, and initial operation phases of the Project. The following elements are included in the ECCMP to support this objective:

- A description of the roles and responsibilities of the Compliance Monitoring Team
- A definition of the decision-making authority for each role within the Compliance Monitoring Team
- The level of effort anticipated from the Compliance Monitoring Team members
- Communication protocols among Compliance Monitoring Team members
- A description of the monitoring, reporting, and documentation requirements, including adaptive management processes during construction

In order to ensure the ECCMP remains applicable to changing site-specific conditions throughout project development, the ECCMP is a dynamic plan and may be modified at any juncture of the Project's lifecycle. Modifications to the document may be requested by the Grant Holder, the BLM project manager (PM), or the Compliance Director (CD). Ultimate approval of any modifications to the plan will be made by the BLM Administrative Officer.

Other objectives of the ECCMP are to:

- Facilitate the timely resolution of compliance-related issues in the field
- Provide continuous information to the BLM and other agencies and parties as authorized regarding noncompliance issues and their resolution
- Review, process, and track construction-related changes to project plans (as described later in Section 6.0, Variances, the Monitoring Contractor will assist with implementation of the variance process in accordance with a predetermined level of decision-making authority granted by the BLM)
- Develop and implement a system for storing the information collected during the ECCMP in a format that will allow easy retrieval and search functions

The ECCMP has been prepared to document and ensure compliance during the construction phase. Mitigation measures and stipulations of the ROW grant require the Grant Holder to implement long-term



mitigation activities for the life of the ROW grant beyond the construction phase. The AO, at his or her discretion, may determine that the long-term implementation of mitigation as required of the Grant Holder may necessitate engaging a third party to assist in tracking and monitoring these mitigation efforts on behalf of the BLM. If such determination is made, a separate compliance and reporting plan will be devised between the BLM and the Grant Holder to ensure successful implementation of mitigation measures applicable to ongoing Project operational activities for the life of the ROW grant. This plan would include at a minimum, the following provisions:

- A compliance manager representing the Grant Holder, in the role of ensuring compliance with the plan
- Adaptive management procedures to address change in conditions, regulations, etc.
- Means of accurately tracking compliance (e.g., compliance tracking database)
- Coordination with the BLM and other agencies to report Non-compliance issues
- Initial training and refresher training of personnel, commensurate with their roles and responsibilities
- Inspection and monitoring procedures
- Reporting and recordkeeping procedures
- Measures to address decommissioning of the Project at partial and final closure

## 3.0 Roles and Responsibilities

The Grant Holder will establish a Compliance Monitoring Team for the Project. In general, the Compliance Monitoring Team will consist of BLM personnel; third-party contractor compliance personnel, hired by the Grant Holder but accountable to and directed by the BLM; and Grant Holder personnel. This section describes roles, responsibilities, level of effort, and authority of key project personnel within the Compliance Monitoring Team with respect to the ECCMP.

### 3.1 BLM Personnel

The BLM's Compliance Monitoring Team will consist of the authorized officer (AO) and/or his/her designated officer, or project manager (PM) in charge of compliance and any other staff as required.

#### 3.1.1 BLM Authorized Officer

The BLM Authorized Officer (AO) will be the BLM Barstow Field Office Manager with the administrative authority for the ROW grant issuance and authority for accepting and approving project-related changes. This may be the field office manager or his/her delegate.

#### 3.1.2 BLM Project Manager

The BLM Project Manager (PM) is designated by the BLM AO as the point of contact for all compliance-related issues. The BLM PM is the primary point of contact at the BLM for the Compliance Manager (CM; see Section 3.2.2) and provides unified agency direction to the BLM/Grant Holder Compliance Team. The BLM PM will ensure, to the extent practicable, that information requiring agency review will be disseminated internally and that comments and direction are consolidated and presented to the Compliance Monitoring Team.

#### 3.1.3 BLM Resource Specialists

Various resource specialists may be involved with implementation of this project. They will assist the BLM PM and environmental monitors with evaluation of conditions and project status relative to mitigation requirements or other stipulations. The support staff will include archaeologists, biologists, geologists, and other specialists as required. Any information, maps, reports, findings, etc. that need to be reviewed by the BLM Resources Specialists shall be coordinated with the BLM PM and the CM.

#### 3.1.4 Surface Compliance Technician

The surface compliance technician (SCT) will serve as the on-the-ground BLM person responsible for observing and reporting compliance with the terms and conditions of the BLM ROW authorization for all phases of project construction. The SCT will report to the BLM PM and the AO and will regularly collaborate with the CM and the Grant Holder environmental inspectors (EIs; see Section 3.3.2). The SCT

will report all issues/concerns noted along the ROW to the Grant Holder EI and/or the BLM environmental compliance monitors (ECMs; see Section 3.2.3) and/or CM.

## 3.2 Monitoring Contractor Personnel

A third-party compliance contractor (Monitoring Contractor) will be responsible for providing BLM third-party oversight and reporting services for the Project. The Monitoring Contractor will conduct such monitoring and reporting as extension of BLM staff. The Monitoring Contractor shall enter into a contractual agreement with the Grant Holder for third-party monitoring and reporting program services associated with implementing the Project and all necessary support activities.

The Monitoring Contractor will provide the expertise, staffing, and technical capabilities required for monitoring and reporting associated with a Monitoring Contractor program. The Monitoring Contractor will not be responsible for implementation of the BLM terms, conditions, and stipulations in the ROW grant, the POD, and required mitigation as provided for in the ROD; these will be the responsibility of the ROW Grant Holder. Similarly, the Monitoring Contractor will not direct the day-to-day activities of Grant Holder personnel or subcontractors working on the site.

The Monitoring Contractor's planned monitoring coverage assumes that the construction contractors will demonstrate a high level of environmental compliance, and that the Grant Holder's compliance personnel will be qualified and experienced.

### 3.2.1 Compliance Director

The Compliance Director (CD) will have the oversight of contracts, budgets, and administrative processes, and may be consulted on major compliance issues with the CM. The CD may also facilitate the permit-to-construction transition process.

### 3.2.2 Compliance Manager

The Compliance Manager (CM) will be the primary point of contact position for the BLM and Grant Holder regarding all compliance-related issues (including variances) from an administrative perspective. The CM reports to the BLM AO and the BLM PM for compliance. The Compliance Manager will regularly evaluate the effectiveness of the environmental compliance monitoring in consultation with the BLM and Compliance Contacts to ensure adequate staffing.

Specific responsibilities of the CM include, but are not limited to, the following:

- Oversee management of the ECCMP
- Participate in the preconstruction kickoff meeting
- Participate in the Worker Environmental Awareness Program (WEAP)
- Supervise the ECMs' monitoring activities and schedules

- Provide guidance on and review of compliance issues
- Ensure that all reported non-compliances are tracked for resolution by the Grant Holder
- Revise and process variance requests
- Facilitate weekly construction progress meetings and providing weekly status updates
- Managing project documentation with respect to compliance (reviewing Grant Holder and BLM Compliance Monitoring Team reports, and correspondence for the administrative record, etc.)
- Disseminating weekly reports
- Ensuring adherence to the Scope of Work and discussing all potential modifications with the Grant Holder

### 3.2.3 Environmental Compliance Monitors

The Environmental Compliance Monitors (ECMs) will serve as the on-the-ground personnel responsible for observing and reporting compliance with the terms and conditions of the BLM ROW authorization for all phases of project construction. The ECMs report to the CM, but collaborate with the Grant Holder EIs on a daily basis. As appropriate, the Designated Resources Specialists (e.g., Designated Biologist, Designated Cultural Resources Specialist, etc.) approved by the BLM in accordance with relevant mitigation measures, and the monitors working under them, may serve as Compliance Monitors.

**Responsibilities.** In general, the ECMs will be deployed on site to observe activities performed by the Grant Holder's EIs and construction and development crew and to ensure these activities meet the description outlined in the POD; the intent of approved mitigation; and the terms, conditions, and stipulations of the ROW grant.

Prior to the start of construction, the ECMs will become familiar with the Project's approved design and the environmental and construction compliance management program, participate in the preconstruction meeting, participate in the WEAP on an as-needed basis, and receive additional training as needed from Grant Holder personnel. The ECMs will become familiar with the roles and responsibilities of the Project's immediate field team, environmental reporting responsibilities, and the chain of command.

Throughout construction, the ECMs will document the Grant Holder's compliance and/or noncompliance with the environmental requirements through the use of approved forms. The ECMs will record observations, including digital photograph documentation at each location visited. This process will ensure consistent and accurate reporting of site conditions at the time of inspection and will serve to record evolution of the site with respect to development. Each activity monitored will be assigned a compliance level.

The ECMs will regularly evaluate the effectiveness associated with environmental compliance monitoring in consultation with the CM and BLM PM to ensure the intent of the compliance plans are being

adequately met. Designated environmentally sensitive areas (marked and/or flagged by the Grant Holder EIs) will be regularly inspected to ensure protection of the resources.

The ECMs will review Level 1 Variances on site and may approve Level 1 Variance Requests, as appropriate to their authority level, for implementation of limited variations from mitigation measures previously agreed to by the Grant Holder or stipulated by other agencies (see Section 6.0, Variances).

In order to ensure a collaborative approach to environmental compliance, the ECMs will maintain, at a minimum, contact with the Grant Holder environmental staff and the construction and development crew. This approach will allow the Grant Holder and the ECMs to exchange information on the status of construction and to discuss any significant construction events scheduled in the near future. The ECMs may inspect all construction activities with Grant Holder construction monitors or independently.

**Authority.** The ECMs on site will have the authority to halt any construction activity that has the potential to damage a sensitive resource. This could include activity in Non-compliance with a term, condition, or stipulation of a ROW grant, etc. In the event of potential Non-compliance, the ECM will immediately notify the Grant Holder EI and the CM. The Grant Holder lead EI will initiate his/her approved chain of command system to initiate issue resolution.

**Level of Effort.** The level of monitoring effort and staffing will be evaluated by the CD and the CM in consultation with the BLM PM, with input from the ECMs throughout the life of the project. The number of ECMs may be determined based on the specific activities during each construction phase.

### 3.3 Grant Holder Compliance Personnel

The Grant Holder Compliance Monitoring Team will be responsible for development and implementation of the Project's compliance program. The Grant Holder Compliance Monitoring Team will report internally to Grant Holder supervisors and will report to the CM and the BLM, jointly.

In general, the Grant Holder Compliance Monitoring Team will be responsible for communication and coordination with the applicable regulatory agencies and ensuring compliance with the various conditions and requirements of the full range of project permits and approvals. The Grant Holder will ensure excellent record keeping with respect to due diligence on mitigation (including plans, surveys, reports, and keeping plans current) and distribution of those materials to the BLM Compliance Monitoring Team via electronic methods.

The Grant Holder compliance representatives for the project are identified in the following sections.

#### 3.3.1 Compliance Lead

The Compliance Lead (CL) will be responsible for providing the appropriate level of resources for successful implementation of the ECCMP. The CL is the primary sole point of contact for Grant Holder Compliance Monitoring Team and, as such, will directly communicate with the CM as identified in Section 3.2.2 of this ECCMP. The CL directs the development and implementation of the preconstruction

environmental planning, permitting, and compliance activities; the environmental inspection program; and environmental training. The CL will be the designated official responsible for high-level coordination and dispute resolution with respect to mitigation compliance and authorized terms and conditions of the ROW.

### **3.3.2 Environmental Inspectors**

The Environmental Inspectors (EIs) will be the on-the-ground compliance personnel responsible for implementing the compliance program mitigation dictated under the ROD, the ROW grant, and the NTP conditions for all phases of project construction. This includes resolution of all Problem Areas or activities found to be in Non-compliance.

A lead on-site EI will be designated for the project and will serve as the primary point of contact for the ECM on site. A designated biological resource manager and cultural resource manager will be identified as part of the EI team and will be approved by the BLM per applicable mitigation measures and ROW stipulations. Other environmental specialists, approved by the BLM and the Grant Holder, will be called upon to support the CL and overall environmental compliance efforts.

## 4.0 Environmental Compliance Monitoring and Management

### 4.1 Implementation

Appendix 4 of the ROD lists the mitigation measures included in the Proposed PA/FEIS/EIR and adopted in the BLM ROD. The mitigation monitoring table is the core document for environmental requirements of the Project and will be the primary guideline for determining compliance with the ECCMP. The CM shall ensure that a copy of the table is kept on site at all times, and all supervisory staff working on the Project should be familiar with its contents.

Many of the adopted mitigation measures require the implementation of mitigation plans that will be developed and approved prior to construction. While development, review, and approval of preconstruction mitigation plans represent a best attempt at due diligence with respect to ensuring that the intent of the mitigation measures is successfully met, it is possible that some mitigation strategies, once implemented on the ground, may prove infeasible, impractical, or unsuccessful. To reduce the likelihood of this scenario, the BLM may conduct an on-the-ground assessment of implementation activities designed to meet mitigation measures, and provide adaptive strategies through collaboration with the CM, ECMs, the Grant Holder, and other regulatory agencies as appropriate to ensure successful implementation. To further reduce the likelihood of unsuccessful implementation of mitigation strategies, the BLM may request as-needed meetings with the CM, the ECMs, the Grant Holder, and other regulatory agencies prior to on-the-ground implementation. Additionally, the BLM may coordinate milestone site visits to view the progress of implementation.

### 4.2 Communication

Communication and collaboration is a critical component of a successful environmental compliance program and can promote a positive and efficient work environment. BLM expects the Grant Holder's CL and EIs to interact regularly with the BLM Compliance Monitoring Team and to maintain professional, responsive communications at all times. Similarly, it is expected that the Grant Holder's representatives will coordinate closely with BLM's Compliance Monitoring Team to address and resolve issues in a timely manner. This section provides several tools/requirements for open and transparent communication throughout the project, and to facilitate efficient dissemination of project information about ongoing surveys and mitigation measures, construction activities, and planned or upcoming work.

#### 4.2.1 Preconstruction Compliance Coordination

In accordance with mitigation measures and ROW terms and conditions, the Grant Holder is required to perform a number of pre-construction activities, including but not limited to preconstruction biological surveys, preparing and submitting dust control plans, and submitting and obtaining BLM approval of mitigation plans. The purpose of the preconstruction coordination process between the Grant Holder and

the BLM Compliance Monitoring Team is to discuss submittal status, agency review and approval cycle, and preconstruction mitigation status (e.g., acquisition of mitigation lands). Additionally, the goal of the preconstruction process is to complete all required actions so the BLM and other agencies, as appropriate, can issue NTPs for each project component. The BLM Compliance Monitoring Team, CD, and CM may be asked to review preconstruction plans to ensure the plans meet required federal, state, or local standards, as well as the intent of mitigation measures adopted in the ROD.

**Preconstruction Kickoff Meeting(s).** A preconstruction meeting and/or several meetings will be held with the BLM, the Monitoring Contractor's CM and one ECM, the Grant Holder's compliance and construction team, the BLM Compliance Monitoring Team, and other agencies or parties as deemed appropriate by the BLM. The preconstruction kickoff meeting will serve to outline agency expectations of the team, to refine the ECCMP if appropriate, to agree on the Project's communication protocol and chain of command, discuss the WEAP, and to further discuss the POD.

#### 4.2.2 Communication Protocol During Construction

The following protocols have been formulated to ensure that timely and accurate information is disseminated to all parties involved in the construction process of the Project, facilitating a responsive, solution-oriented work environment:

- The BLM Compliance Monitoring Team will adhere to a mutually agreed-upon communication protocol between Grant Holder and the BLM; the Grant Holder protocol will not interfere or inhibit the ECM's ability to communicate transparently with the BLM.
- In general, the BLM ECM's primary point of day-to-day contact on site will be the Grant Holder EIs. If issues can't be resolved at the ECM/Grant Holder EI level, they will be initially elevated to the CM and the BLM PM, and the Grant Holder CL via email or phone, whichever is determined to be applicable/appropriate to the situation.
- Grant Holder will inform the BLM ECM of all survey and construction activity on a daily basis, including, but not limited to, location of such activities and Grant Holder personnel mobilization associated with such activities. This will help facilitate timely and appropriate dispersion of BLM ECMs based on activity level.
- The BLM ECMs and any other designated agency representatives or staff may converse with any and all personnel on the construction site to ask questions about their activity, but the construction personnel may opt to refer him/her to the appropriate Grant Holder official for an answer. If the question relates to a potential resource-threatening Non-compliance issue, the BLM ECM will immediately notify the Grant Holder EI and jointly discuss the issue with the construction personnel on site.
- Grant Holder personnel will not, under any condition, direct the work of a BLM ECM. If concerns about an ECM arise, the CM will be notified immediately.



- Grant Holder will provide a list of all EIs or resource monitors on site, their titles/responsibilities, and their contact information. Updated distributions will be utilized to keep all parties informed of monitor and staff additions/changes. This list of personnel and all subsequent updates shall be distributed to all persons on the list throughout the construction process.

#### 4.2.2.1 Construction Meetings

Grant Holder will conduct field meetings as-needed with PMs, contractor supervisors and foremen, and Grant Holder's environmental representatives to discuss work completed, work anticipated for the following period, and the implementation status of mitigation measures. The field meetings will also be a forum for discussing safety and environmental compliance issues. Grant Holder will include the BLM on-site Compliance Monitoring Team in daily construction and safety briefings to facilitate communication. Grant Holder may request the BLM's and any other previous period. Alternatively, Grant Holder or BLM ECM(s) may recommend a separate meeting to discuss mitigation, potential variances, or other project-related issues.

In addition to the progress meetings conducted at the field level, the Grant Holder CL, the Grant Holder CM, the Grant Holder EIs, the BLM ECMs, the BLM PM, and/or other jurisdictional agencies may participate in a regular teleconference call (see Section 5.1, Weekly Status Updates). The teleconference calls would be similar to the progress meeting; however, the conference calls would focus on mitigation monitoring.

#### 4.2.2.2 Communication Specific to Non-Compliance

There are varying levels of severity with respect to non-compliant events. The communication protocols identified below have been formulated for non-severe Non-compliance events. Severe Non-compliance events specific to BLM's scope of authority, such as "take" or discovery of human remains during construction of the Project, have established protocols within approved documents such as the Biological Opinion, the Historical Properties Treatment Plan, the Native American Graves Protection and Repatriation Act, and their appendices. Regardless, the Grant Holder or the Compliance Monitoring Team will immediately notify BLM and the CM if such event occurs, and appropriate communication channels will be initiated.

- Step 1. The BLM ECM will notify Grant Holder EI of the suspected Non-compliance issue. The issue and communication is documented on the daily form.
- Step 2. The BLM ECM will notify the CM. Grant Holder will notify agencies directly if the Non-compliance issue relates to a permit condition issued by those agencies. The Non-compliance activity and communication efforts are noted on a consolidated tracking sheet for Non-compliance incidents.
- Step 3. Grant Holder acknowledges the Non-compliance issue and provides a response plan for corrective action to the BLM and the Compliance Team. Grant Holder will track the corrective actions and report completion status.

- Step 4. The BLM AO or the PM may inform other interested parties (e.g., permitting agencies) if Non-compliance actions relate to their jurisdictional authority or recognized interests.

#### 4.2.3 Coordination with Other Agencies

As identified in Section 1.3, several local, state, and federal agencies have jurisdiction over portions of the project. The BLM, as the lead agency, is responsible for ensuring that mitigation measures reviewed and approved by the BLM during the NEPA process are implemented throughout construction. Other jurisdictional agencies are required to ensure compliance with their respective measures under their jurisdiction and may visit the project site from time to time and request information regarding the status of an applicable mitigation measure.

The Grant Holder will be responsible for satisfying requests from jurisdictional agencies and will notify and copy the BLM on all correspondences related to final approvals and verifications for the project if not otherwise copied on the correspondence.

The BLM CM and the Grant Holder's CL will include other agencies, such as the USFWS or the CDFW in the monitoring and documenting of environmental compliance to the extent requested by those agencies and authorized by the BLM; however, the primary point of contact regarding these requirements for the BLM CM will continue to be the BLM AO or designee.

#### 4.2.4 Soda Mountain Solar Contacts

The Grant Holder has designated the following contact persons for the construction of the Project:

- **To Be Determined**

## 5.0 Reporting and Documentation

### 5.1 Notices to Proceed

As stipulated in approval and authorization documents, project-related construction activities will not begin until certain preconstruction mitigation measures and submittals have been satisfied. Grant Holder shall submit comprehensive documentation proving satisfaction of preconstruction requirements to the CM and the BLM prior to the BLM issuing an NTP for project construction. In the event BLM elects to issue multiple NTPs for the project, this same documentation will be required prior to each NTP issuance. Additionally, the NTP may include applicable conditions or requirements that must be satisfied prior to the start of work or during construction. BLM will further refine “comprehensive documentation” during the preconstruction meeting in collaboration with Grant Holder, agencies, and the BLM Compliance Monitoring Team. This could include, but is not limited to, the following:

- A further refined description of the activities, the duration of activities, and the sequential phase during which the activities will occur (schedule)
- Detailed maps, photographs, and/or other supporting documents or geographic information system data not already included as part of the POD package
- Verification that all mitigation measures have been met or do not apply to the work covered by the NTP
- Verification that all applicable jurisdictional permits or agency approvals have been obtained
- Verification of agency approval of specific biological monitors

### 5.2 Daily Reporting

#### 5.2.1 Grant Holder Environmental Inspector

The Grant Holder Compliance Lead will compile all daily site observation forms (which could include biological or general-focused reports) completed by Grant Holder EIs and distribute them to the BLM, the BLM Compliance Monitoring Team, and the Grant Holder team via a mutually agreed-upon methodology (e.g., email or password-protected project website) at the completion of daily construction activities. The daily forms will identify, but will not be limited to, the type of construction activities occurring, compliance levels, and communication between all parties on site regarding the status of environmental compliance.

#### 5.2.2 Environmental Compliance Monitor

The ECM will provide a daily site observation form to the CM at the completion of daily site observations. The ECM report will identify compliance levels with environmental mitigation measures

and communications provided to any Grant Holder representative and/or agency representative. Based on the ECM daily report compliance levels, the CM may distribute to the BLM PM and/or discuss issues/concerns via email or phone.

### 5.3 Weekly Status Updates

Each ECM will compile his/her activity logs and contact information documents into a weekly status update on the required cover and form provided in Attachments A and B, respectively. The ECM will document the construction level as a percent complete or other identifying method as agreed to by the BLM; the presence of sensitive species or habitat and culturally sensitive sites; and provide a brief description of the construction activities observed (such as road grading, foundation installation, erosion control, etc.). When appropriate, relevant digital photographs will be taken and included in the weekly report and/or individual activity logs.

Each separate activity monitored and documented in a log will be assigned a compliance level. The compliance levels that will be used for the Project are:

- Communication;
- Acceptable;
- Problem Area;
- Noncompliance; and
- Serious Violation.

#### 5.3.1 Communication

A communication report will be prepared when necessary to document and track relevant meetings or discussions between the ECM and agencies, Grant Holder representatives, monitors, inspectors, or other contractor personnel.

#### 5.3.2 Acceptable

An acceptable report will be prepared when an ECM determines that an inspected area or activity is in compliance with the project specifications and all mitigation measures have been adequately implemented.

#### 5.3.3 Problem Area

The ECM will prepare a problem area report to record an observation that a location or activity does not meet the definition of acceptable but is not considered a noncompliance. The problem area category will be used to report a range of events and observations including:

- An incident that is accidental or unforeseeable but is not out of compliance with the project specifications, and the Grant Holder's response is appropriate and timely. An example would be a fuel leak where project personnel respond properly by stopping, containing, and cleaning up the spill in accordance with the project specifications.
- A location where the project is not out of compliance with the specifications but, in the judgment of the ECM, damage to resources could occur if corrective actions are not taken. Some examples are:
  - A topsoil pile located on the bank of a drainage; or
  - An improperly constructed/located erosion control structure.
- An activity that the ECM determines is an unintentional and isolated departure from the project specifications, with no damage to resources. An example would be a small amount of blading or mowing outside the access pathway that has no effect on sensitive resources such as sensitive plant habitat or a water body.

If a problem area is resolved in a timely manner, it will not be considered a noncompliance. If a problem area is found to be a repeat situation or multiple instances of a similar nature occur, is not corrected within the established time frame, or results in resource damage because timely corrective action failed to occur, the ECM may document the problem area as a noncompliance as described in the following section.

### 5.3.4 Noncompliance

A noncompliance report will be issued when an ECM observes an activity that violates (defined as not in compliance with) the Project specifications, building codes, or other requirements; results in damage to resources; places sensitive resources, personal safety or worker safety at unnecessary risk; and/or is a repeated scenario of actions noted as "Problem Areas." Non-compliance may also include deficient or nonexistent implementation of mitigation measures/stipulations, ultimately having the potential to result in irreversible environmental damage; this can include not implementing mitigation measures in accordance with stipulated timing restrictions. Some examples of noncompliance activities are:

- Failure to install or maintain required erosion control devices or failure of erosion or sediment control structures if it puts a sensitive resource at risk;
- Ground-disturbing activities conducted outside the approved ROW and disturbance limits;
- Surface-disturbing activities conducted without an appropriate biological or cultural resources monitor present;
- Heavy equipment or truck encroachment into a designated avoidance area (environmentally or culturally sensitive area);
- Gross negligence in vegetation salvage as defined in restoration and revegetation plans; or

- Construction activity in locations where seasonal restrictions exist, if applicable.

The ECM will notify the Grant Holder's EI or CL about a noncompliance before issuing a noncompliance report. The noncompliance report will include the name of the inspector or monitor and the time of notification. Where practicable and where the nature of the noncompliance activity warrants, the inspector or monitor will work closely and collaboratively with the ECM to determine the appropriate corrective action.

Resolution of noncompliance activities will involve close coordination with the Grant Holder EIs, the BLM SCT, the BLM PM, and contractor construction supervisory personnel to ensure that the corrective measures are properly understood and implemented. It is the responsibility of the Grant Holder EI team to provide follow-up documentation to the BLM and other agencies with appropriate jurisdiction over the issue as well as to the CM. Once the Grant Holder documents the resolution of a noncompliance, the applicable ECM will inspect the area and verify and document that the noncompliance has been adequately resolved.

### 5.3.5 Serious Violation

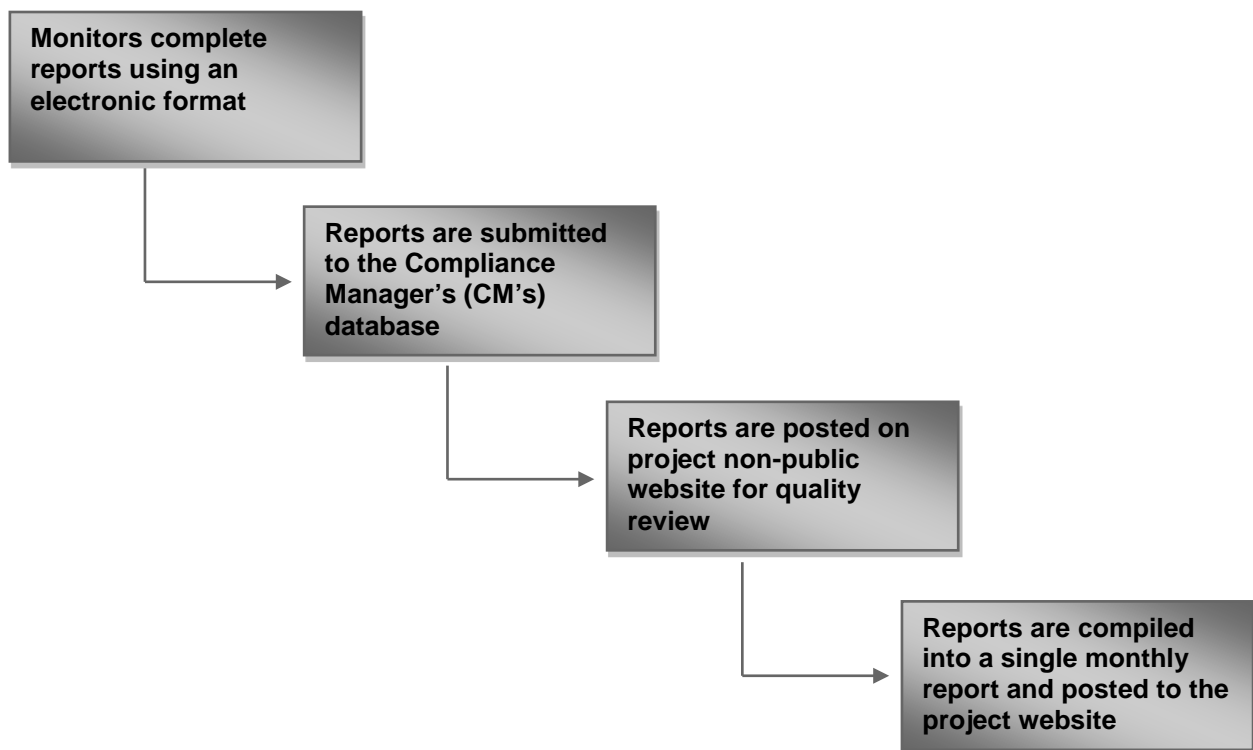
A serious violation report will be issued by an ECM immediately on observing an activity that is not in compliance with the Project specifications and causes substantial harm to resources or poses a serious threat to sensitive resources or worker/public safety. Examples of serious violations include deliberately conducting an activity that results in disturbance within an exclusion zone for a sensitive resource, repeated or cumulative noncompliance activities that could lead to a substantial impact on resources, and failure to correct previously identified noncompliance activities in an established time frame.

A serious violation report requires that the CM and the BLM PM participate in a conference call or meeting with the Grant Holder Compliance Lead for the project and EI(s) to discuss the violation, the proper corrective actions, and possible follow-up enforcement actions that could be imposed. It will be the responsibility of the Grant Holder EI team to provide follow-up documentation to the BLM and other agencies with appropriate jurisdiction over the issue as well as to the CM. Once the Grant Holder documents the resolution of a serious violation, the ECM will inspect the area and verify that the issue has been adequately resolved.

## 5.4 Monthly Summary Reports

The Monitoring Contractor and all compliance monitoring personnel will use a comprehensive monthly summary database reporting system that is posted on a non-public, secure website and available for review to other jurisdictional agencies. Under this program, each monthly report, consisting of all compliance levels and photographic documentation from logs, will be available each month and will provide the BLM project personnel, Grant Holder, and applicable agencies with a readily accessible record of construction progress, photographic documentation, and documentation of compliance with the project environmental requirements. If archaeology-focused reports are required, the BLM may request a specific password-protected site be established for this process.

Monthly summary reports will be issued that briefly describe construction activities during the reporting period and summarize by compliance level the number of reports completed by the ECMs during that reporting period and cumulatively for the construction period for that project phase. The monthly summary report will also include a table of problem area and noncompliance reports issued by the ECMs during the reporting period and the Level 1, 2, and 3 variance requests approved by the ECMs and the CM during the reporting period. The monthly summary report will also include a table summarizing the net acreage of land affected by approved variances on federal land and, for the Archeological Resources Protection Act and Endangered Species Act, nonfederal land for the reporting period as well as cumulatively. The Monitoring Contractor's baseline electronic database reporting system will be designed to generate all the information in the tables of the monthly summary report (Figure 1).



**Figure 1: Web-based Reporting System**

The monthly summary reports will be posted on the non-public project website (refer to Section 5.5). When the monthly summary report is posted, the CM will send an email to the authorized distribution that it is available. The email will include the link to the website. The BLM, Monitoring Contractor, and Grant Holder representatives will be included in the distribution for the monthly summary report. A sample monthly summary report is provided in Attachment C.

## **5.5 Non-Public Project Website**

The Monitoring Contractor will establish and maintain a non-public, password-protected project website to display the weekly status updates and monthly monitoring reports and the approved Level 1, 2, and 3 variances (refer to Section 6.0, Variances). The Project website may also be used to post meeting minutes, notes from conference calls, and guidance from agencies regarding interpretation of environmental requirements. The BLM and Monitoring Contractor representatives will have access to the entire website. The Grant Holder representatives will have access to parts of the website as authorized by the BLM PM and Information Technology.

## **5.6 Public Website**

In order to facilitate public awareness about the Project, the BLM's CM will establish and maintain a website for the Project. This will be hosted by the Monitoring Contractor. Documentation of the construction monitoring process may include, but would not be limited to, the ECCMP; links to the BLM website containing the Proposed PA/FEIS/EIR, the ROD, and the ROW grant; NTP (s); variances; maps and photographs; project schedule; and links to other publicly available permits issued by other agencies. If determined appropriate by the BLM, the public website will also include a project hotline by which interested parties can contact the BLM regarding project concerns throughout construction.

## **5.7 Final Report**

The Grant Holder will provide all final documentation to the BLM in a compiled report, including all finalized mitigation plans (inclusive of revisions), regular EI and monitor reports required by ROW stipulations, and administrative record emails regarding issue resolution. This may be submitted to the BLM directly or via the project's password-protected site. The CM will provide all final documentation to the BLM regarding weekly reports, meeting minutes, variance requests, and administrative record emails regarding issue resolution. Prior to the Project's Operation and Maintenance Phase, the BLM may elect to have a final closeout meeting to discuss the construction process of the Project, recommendations, and lessons learned in an effort to ensure the future betterment of the overall agency compliance process.



## 6.0 Variances

During construction of the Project, unforeseen or unavoidable site conditions could result in the need for changes from the approved mitigation measures and construction procedures. Additionally, the need for route realignments, extra workspace, or changes to previously approved construction work areas may arise. Changes to previously approved mitigation measures, construction procedures, and construction work areas will be handled in the form of variance requests to be submitted by the Grant Holder and reviewed and approved or denied by the BLM, with the delegation of some authority for variances to the Monitoring Contractor. The variance process will also be a good mechanism to clarify discrepancies or inconsistencies discovered in project materials and/or to distribute information to the entire project team.

A system of three variance levels (Levels 1, 2, and 3) will be used to categorize and process variance requests. The three variance levels, the review and distribution process, and the decision-making authority proposed for each level are discussed in the following sections. A sample variance request form is provided in Attachment E.

### 6.1 Level 1 Variances (Field Decisions)

Level 1 variances are site-specific, minor, performance-based changes to project specifications, construction methods, or mitigation measures that provide equal or better protection to environmental resources or better constructability. These minor variance requests can be reviewed and either approved or denied by the Compliance Monitors in the field during normal construction activities.

Examples of Level 1 variance requests include:

- Allowing rubber-tired vehicles to use additional access roads that would not require any improvement to the road or repairs after construction (“like use”);
- Minor variations in site-specific plans that reflect differences in site conditions from those that were expected when the plan was developed (e.g., relocation of a spoil storage area within previously approved work areas); and
- Minor changes to the project design that are required due to site-specific restrictions.

Level 1 variances may also be used to document and disseminate agency-directed changes to mitigation measures.

To initiate a Level 1 variance request, the Grant Holder’s representative will fill out a variance request form using the form in Attachment E and obtain the appropriate signatures. The Grant Holder’s representative will then contact an ECM to review the proposed change. The Grant Holder’s representative and the ECM will work together to evaluate the site-specific situation and determine if the variance request is appropriate.

The ECM may approve a Level 1 variance request if the results of implementing the change will provide equal or better protection for the resource than the original mitigation measure or if the original mitigation measure is not applicable to that specific site. If a Level 1 variance request is approved in the field, the ECM will sign the variance request form. A Level 1 variance request can be implemented in the field as soon as it is approved by the ECM.

The ECM will document the variance approval in his/her log and will include the variance in the daily and weekly status update and will transmit the approved form to the CM for posting on the project website (refer to Section 5.5, Non-Public Website).

If the requested variance exceeds the ECM's authority level, the ECM will inform the Grant Holder's representative that a Level 2 or Level 3 variance request is required.

## 6.2 Level 2 Variances

A Level 2 variance request exceeds the field decision authority of the ECM and requires processing by the CM. Before the CM can issue approval of a Level 2 variance request on federal land, the BLM PM must approve the request. Level 2 variance requests generally involve project changes that would affect an area outside the previously approved work area, but within the areas previously surveyed for cultural resources, sensitive species, and biological resources. Level 2 variance requests typically require the review of supplemental documents, correspondence, and records.

Examples of Level 2 variance requests include:

- The use of extra workspace outside the previously approved work area but within previously surveyed areas;
- The use of existing access roads that have not been previously approved if the use would not be considered "like use" that could be approved as a Level 1 variance (refer to Section 6.1, Level 1 Variances);
- Modifications to the plans that are specifically different than those in the approved POD.

To initiate a Level 2 variance request, the Grant Holder's representative or other designated representative will fill out a variance request form, prepare the appropriate supporting documentation, and obtain the required signatures.

A Grant Holder representative will complete and submit the variance request form and supporting documentation by e-mail (scanned copy) or fax to the applicable BLM PM with a copy to the CM. Once the approval of the BLM PM is obtained, the CM will process the request.

If the Level 2 variance request is approved, the CM will sign the variance request and e-mail the approved form (scanned copy) to the designated Grant Holder representatives, the ECMs, and the BLM PM and Compliance Contacts. The variance may be implemented in the field as soon as the approved variance is

received. Verbal approval for Level 2 variance requests will not be granted. The CM will log the variance approval and will include it in the weekly status update (refer to Section 5.3) and post the approved variance request form on the non-public project website (refer to Section 5.5).

### **6.3 Level 3 Variances**

Level 3 variance requests generally involve project changes that would affect an area outside the previously approved work area that are outside the areas previously surveyed for cultural resources, sensitive species, and biological resources, or one that would change the function, structure, technology required, or other part of the project previously approved in the POD. Level 3 variances may need to be implemented through an amendment to the ROW grant.

To initiate a Level 3 variance request, the Grant Holder's representative or other designated representative will fill out a variance request form, prepare the appropriate supporting documentation, and obtain the required signatures.

The designated Grant Holder representative will complete and submit the variance request form and supporting documentation by e-mail (scanned copy) or fax to the applicable BLM PM and the CM. Once the approval of the BLM PM is obtained, the CM will process the request.

Level 3 variance request approvals must be signed by the BLM PM or the BLM AO in the case of a ROW grant amendment. The variance may be implemented in the field as soon as the approved variance is received. The CM will document the variance approval in the log and weekly status update (refer to Section 5.3) and post the approved variance request form on the non-public project website (refer to Section 5.5).

## 7.0 Stop Work Authority

The BLM has the authority to stop construction of the Project if an activity is determined to be a deviation from the project environmental and cultural resource protection requirements or approved construction plans authorized by the BLM ROW grant. This authority may be delegated to the Monitoring Contractor, the CM, and/or the ECMs, as determined appropriate by the BLM.

## 8.0 Worker Environmental Awareness Program and Other Training

The Monitoring Contractor will ensure that the Grant Holder prepares and conducts an Environmental Training Program for the environmental compliance personnel and construction contractor personnel prior to the start of construction (a Worker Environmental Awareness Program [WEAP] is specified in the mitigation measures identified in Appendix 4 of the Record of Decision). The BLM PM and Compliance Contacts and the Monitoring Contractor's CM and ECMs will participate in the WEAP to present an overview of the ECCMP and to become familiar with Grant Holder's environmental inspection program and personnel. The Monitoring Contractor's CM or the BLM PM will explain the various components of the ECCMP, emphasizing the objectives of the ECCMP. The discussion will focus on the activities of the ECMs and their interactions with Grant Holder's inspection and construction personnel.

The monitoring and documentation of compliance issues and construction progress will be described. A clear and concise explanation will be presented with respect to the variance request decision authority that the ECMs will have in the field. Procedures that may be required to address variance requests will also be presented, as well as the time frame required for decisions to be made prior to implementation.

In addition to participation in the WEAP, the Monitoring Contractor's CM will train the ECMs in all project-specific procedures, duties, responsibilities, reporting requirements, and authorities, which includes the authority to grant variances, to complete their assigned tasks during monitoring of the Project construction activities.

## 9.0 Equipment

Personnel responsible for monitoring and documenting compliance with the measures in the Environmental and Construction Compliance Monitoring Program (ECCMP) will require field support equipment. Specifically, the Monitoring Contractor's CM and each ECM will be equipped with the following:

- Notebook computer and appropriate software to facilitate the compilation, transfer, and storage of data (see Section 5.0)
- Digital camera
- Cellular phone (smart phone) and vehicle adapter for power charge
- Four-wheel drive vehicle
- Additional equipment such as binoculars may also be needed, but would be provided on an as-needed basis.

# **Attachment A**

## **Monitoring Report Cover Page Form**

**PROJECT: SODA MOUNTAIN SOLAR PROJECT**

**COMPLIANCE MONITORING PROGRAM**

**MONITORING REPORT COVER PAGE**

**SAMPLE MONITORING REPORT (COVER PAGE)**

The following report is a compilation of the monitoring reports issued by the Compliance Monitors and/or Compliance Manager for activities conducted on [Month] [Day], 20[XX]. Should you have any questions regarding the information contained in this report, please contact MONITOR at (XXX) XXX-XXXX (office) or (XXX) XXX-XXXX (cell phone).

**Communication**

**Acceptable**

**Problem Area**

**Noncompliance**

**Serious Violation**

**Approved Level 1 Variance**

**Approved Level 2 Variance**

**Approved Level 3 Variance**

**Compliance Level**

---

**Total Reports**



# **Attachment B**

## **Monitoring Report Form**

# PROJECT: SODA MOUNTAIN SOLAR PROJECT

## ENVIRONMENTAL COMPLIANCE MONITORING PROGRAM MONITORING REPORT

Report Number: \_\_\_\_\_

Date of Report: \_\_\_\_\_

Compliance Monitor: \_\_\_\_\_

Construction Method: \_\_\_\_\_

Environmental Inspector: \_\_\_\_\_

Location: \_\_\_\_\_

Compliance Level: ☐ Communication☐ Acceptable☐ Problem Area☐ Non-compliance☐ Serious Violation

### DESCRIPTION OF OBSERVED ACTIVITY

### ISSUES REQUIRING CORRECTIVE ACTION

Issue	Grant Holder Notification	Corrective Actions Implemented by Grant Holder

**Photos:**

# **Attachment C**

## **Monthly Summary Report Form**

**DEVELOPER: SODA MOUNTAIN SOLAR, LLC**

**PROJECT: SODA MOUNTAIN SOLAR PROJECT**

**Environmental Compliance Monitoring Program  
Summary Report for the Period: XX-XX, 20XX**

The following is a summary of the reports issued by the Compliance Monitors and Compliance Manager for activities conducted between XX-XX, 20XX. This report also summarizes Level 1, 2, and 3 variance requests approved during the same period. The environmental compliance monitoring program for the \_\_\_\_\_ Project is being implemented under the direction of the Bureau of Land Management (BLM). Copies of the monitoring reports and approved Level 1, 2, and 3 variance requests are posted and available for review on the environmental compliance monitoring program website.

Should you have any questions regarding the information contained in this report, please contact MONITOR at (XXX) XXX-XXXX (office) or (XXX) XXX-XXXX (cell phone).

## SUMMARY OF ACTIVITIES

Between XX-XX, 20XX, the Compliance Monitors and Compliance Manager issued X monitoring reports. A tabular summary of the reports by compliance level is presented below.

### PROJECT: Soda Mountain Solar Project

#### ENVIRONMENTAL COMPLIANCE MONITORING PROGRAM Summary of Monitoring Reports for the Period: XX-XX, 20XX

Compliance Level	Compliance Reports for the Period	Cumulative Compliance Reports for the Project
Communication	X	X
Acceptable	X	X
Problem Area	X	X
Noncompliance	X	X
Serious Violation	X	X
Approved Level 1 Variance	X	X
Approved Level 2 Variance	X	X
Approved Level 3 Variance	X	X
<b>Total Reports</b>	<b>X</b>	<b>X</b>

During this period, XX full-time Compliance Monitors conducted inspections of project-related activities and documented the Grant Holder's compliance with the project documents and permits. The Compliance Monitors continued to coordinate with the Compliance Lead and other EIs to inspect and discuss areas of concern prior to construction, review areas potentially subject to variance requests, assist with resolution of landowner complaints, and clarify interpretations of the project requirements. The activities of the XX Compliance Monitors were directed by the Compliance Manager who continued to coordinate with the BLM as well as with the Grant Holder's field management and support staff.

A brief summary of the activities conducted during the reporting period is presented below. Copies of the detailed monitoring reports that were used to prepare this summary are posted and available for review on the environmental compliance monitoring program website.

Summary of Activities
<p>A brief text summary of activities that occurred by spread during the reporting period will be provided here</p>

## PROBLEM AREAS AND NONCOMPLIANCES

XX problem area report and XX noncompliance reports were issued by the Compliance Monitors between XX-XX, 201X as shown in the table below. The Compliance Monitors were notified of XX noncompliance report(s) issued by the Grant Holder's EIs.

### SUMMARY OF PROBLEM AREA AND NONCOMPLIANCE REPORTS

Compliance Level/Report Number	Date Issued	Location (Spread/Milepost)	Description	Corrective Action
<b>Problem Area</b>				
-None-				
Monitoring Report #XX	X/X/201X	Spread X – X.X	A construction vehicle was parked outside of the approved right-of-way.	The Lead EI was notified and contacted the foreman to have the vehicle moved back onto the approved workspace.
<b>Noncompliance</b>				
-None-				
It was reported to the Compliance Monitors that the Grant Holder's EIs issued XX noncompliance report(s). This noncompliance occurred on Spread X on XX, 201X and was issued to the trenching crew for partially burying the windrowed seedbank with trench spoil for approximately 1,000 feet.				

## VARIANCES

One Level 1 variance request was approved during the period. No Level 2 and no Level 3 variance requests were approved between XX-XX, 201X as shown in the table below. A summary of the acreage of land affected by the approved variance requests is also provided below.

### SUMMARY OF APPROVED LEVEL 1, 2, AND 3 VARIANCES

Variance Number	Date Issued	Location (Spread/Milepost)	Brief Description	Net Acreage Affected – Federal Land	Net Acreage Affected – Non-Federal Land
<b>LEVEL 1</b>					
XX-XX-001	X/X/201X	Spread X - X.X	Approved the like-use of an existing gravel road. This road is needed to allow travel around and 8-inch-diameter aboveground waterline that crosses the right-of-way.	X.X	X.X
<b>LEVEL 2</b>					
-None-					
<b>LEVEL 3</b>					
-None-					

### SUMMARY OF ACREAGE AFFECTED BY VARIANCES

	Acreage Affected This Reporting Period	Cumulative Acreage Affected
Federal Land	X.X	X.X
Non-Federal Land with some Federal Jurisdiction	X.X	X.X
<b>Total</b>	<b>X.X</b>	<b>X.X</b>
Includes variances on non-Federal land that are within 300 feet of previously identified cultural resources or listed species or their habitat.		



# **Attachment D**

## **Certification of Completion of Worker Environmental Awareness Program**

## Certification of Completion Worker Environmental Awareness Program

This is to certify these individuals have completed a mandatory Bureau of Land Management-approved Worker Environmental Awareness Program (WEAP). The WEAP includes pertinent information on cultural, paleontological, and biological resources for all personnel (that is, construction supervisors, crews, and plant operators) working on site or at related facilities. By signing below, the participant indicates that he/she understands and shall abide by the guidelines set forth in the program materials. Include this completed form in the Monthly Compliance Report.

No.	Employee Name	Title/Company	Signature
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23.			
24.			
25.			

Cultural Trainer: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_  
 Paleo Trainer: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_  
 Biological Trainer: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**Attachment E**

**Variance Request Form**

Variance Request Form			
<div style="border: 1px solid black; width: 80px; height: 80px; margin: 0 auto; text-align: center; line-height: 80px;">LOGO</div>	COMPANY ADDRESS CITY, STATE ZIP PHONE	Variance: _____ Request No.: _____ Date Submit: _____ Date Approval Needed: _____ Date Agency Received: _____ Agency Approval Reference No.: _____	
Request Prepared by: _____ Spread/ Location (Milepost): _____ Alignment Sheet / Sta. No.: _____ Landowner: _____ Current Land Use/ Vegetative Cover: _____ Nearby Features (Water body, T&E Habitat, Wetland, Noxious Weed Area, Residence, Cultural Resource Site (distance, etc.): _____ Variance Level: <input type="checkbox"/> Level 1 <input type="checkbox"/> Level 2 <input type="checkbox"/> Level 3 <b>(To Be Assigned by Designated Representative)</b> Variance From: <input type="checkbox"/> Permit <input type="checkbox"/> Plan/Procedure <input type="checkbox"/> Specification <input type="checkbox"/> Drawing <input type="checkbox"/> Mitigation Measure <input type="checkbox"/> Other: _____			
Net acreage affected: _____ Tract No: _____ In or within 50 feet of a wetland: <input type="checkbox"/> Yes <input type="checkbox"/> No Within 50 feet of a water body: <input type="checkbox"/> Yes <input type="checkbox"/> No			
<b>Detailed Description of Variance:</b> _____ Attachments? <input type="checkbox"/> Yes <input type="checkbox"/> No   Photos? <input type="checkbox"/> Yes <input type="checkbox"/> No			
<b>Variance Justification:</b>			
<b>For (Company Name) Use Only</b>			
Additional Surveys Required	Surveyed Corridor Description	Additional Surveys Completed	
Cultural Survey <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No	
T & E Survey <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Report Documenting Survey:			
Sign-off (as appropriate)	Name (print)	Approval Signature	Conditions (See Attached)
Contractor Sup't. or Env. Coordinator			<input type="checkbox"/> Yes <input type="checkbox"/> No
Lead Environmental Inspector			<input type="checkbox"/> Yes <input type="checkbox"/> No
Spread Supervisor			<input type="checkbox"/> Yes <input type="checkbox"/> No
Environmental Field Manager			<input type="checkbox"/> Yes <input type="checkbox"/> No
ROW Agent			<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>For BLM Project Manager or Compliance Contact Use Only</b>			
Variance Approved: <input type="checkbox"/>		Variance Denied: <input type="checkbox"/>	
Signature: _____		Date: _____	
<b>For Compliance Manager and Monitor Use Only</b>			
Variance Approved: _____		Variance Denied: _____	
Signature: _____		Date: _____	
Stipulations: _____			

Spread:		OPPC Variance Request No.:	
<b>VARIANCE CONDITIONS</b>			
Name:		Title:	
		Organization:	
Conditions:			
Name:		Title:	
		Organization:	
Conditions:			
Name:		Title:	
		Organization:	
Conditions:			